

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

UNITED STATES OF AMERICA,) CASE NO. 07-014M
)
Plaintiff,)
)
v.) DETENTION ORDER
)
MARTINEZ KILGORE,)
)
Defendant.)
_____)

Offenses charged:

Felon in Possession of a Firearm; Possession of Cocaine Base with Intent to Distribute

Date of Detention Hearing: February 2, 2007

The Court, having conducted a detention hearing pursuant to 18 U.S.C. § 3142(f), and based upon the factual findings and statement of reasons for detention hereafter set forth, finds that no condition or combination of conditions which defendant can meet will reasonably assure the appearance of defendant as required and the safety of other persons and the community.

FINDINGS OF FACT AND STATEMENT OF REASONS FOR DETENTION

1. Defendant has been charged with the offense of Possession of Cocaine Base with

01 Intent to Distribute. The maximum penalty of this offense is in excess of ten years. There is
02 therefore a rebuttable presumption against defendant as to both dangerousness and flight risk,
03 under 18 U.S. C. §3142(e). He is also charged with the offense of Felon in Possession of a
04 Firearm.

05 2. Defendant has a long criminal history, including prior drug offenses and firearms
06 charges. In 1996 he was convicted of Robbery in the 1st Degree and sentenced to 126 months
07 in prison. He was released from prison in January 2006. The certificate of probable cause for the
08 robbery charge indicated that the defendant had amassed 41 warrants for his arrest over the
09 previous four years. While the 1996 robbery charges were pending, the defendant was also
10 convicted of 2nd degree assault, reckless endangerment in the 1st degree, and residential burglary,
11 the circumstances of which charges indicate a significant propensity for violence.

12 3. The defendant was on state Department of Corrections supervision at the time of
13 the instant charges. He has a history of failing to appear and failing to comply.

14 4. Taken as a whole, the record does not effectively rebut the presumption that no
15 condition or combination of conditions will reasonably assure the appearance of the defendant as
16 required and the safety of the community.

17 It is therefore ORDERED:

18 (1) Defendant shall be detained pending trial and committed to the custody of the
19 Attorney General for confinement in a correction facility separate, to the extent
20 practicable, from persons awaiting or serving sentences or being held in custody
21 pending appeal;

22 (2) Defendant shall be afforded reasonable opportunity for private consultation with

counsel;

- (3) On order of a court of the United States or on request of an attorney for the Government, the person in charge of the corrections facility in which defendant is confined shall deliver the defendant to a United States Marshal for the purpose of an appearance in connection with a court proceeding; and
- (4) The clerk shall direct copies of this Order to counsel for the United States, to counsel for the defendant, to the United States Marshal, and to the United States Pretrial Services Officer.

DATED this 2nd day of February, 2007.


Mary Alice Theiler
United States Magistrate Judge